G. R. S. App. F. IX-4]

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War-File No. 179-42

Previous References.

(War)

Serial Nos. 1

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only.

Part B for February - 1943.

SUBJECT.

A. R. P. Services Ordinance 1941.

(Question of powers of arrest by A.R.P. Officials.)

D. Atkinson
16. 2. 43.

A.R.P. Ordinance 1941. Question of powers of arrest by A.R.P. officials.

2074/W.

Continuation Sheet. W File No. / Current No. 179 of 42-3. Page.

OFFICE OF THE MINISTER FOR LA.. Sl. 1
JAN 11 1943
No. 6046

From The Secy to Govt of Mysore.

F. 3(27)-42 | W forwg copies of CD Circulars dated 16th April & 11th Dec. 42 intimating the decision of Govt of India that No Govt powers of arrest without warrant need be conferred on the members of the ARP service.

The Govt of India considers that it is desirable to avoid conferring Special powers on the ARP Members which involve the use of force. Copies of the circulars will be sent to the Chief Secs to Govts of Bombay & Madras, Chief Secy. Bhadravathi Iron & Steel Works for information. Action for others

Law
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Law Secy
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Law Secy
11/1

Law Secy
12/1

Law Secy
12-1-43

SECY. LAW DEPT. * GOVT OF MYSORE *

W 179-42-1 incl(2)

THE OFFICE OF THE HON'BLE THE RESIDENT
IN MYSORE,
Bangalore, the 6th January 1943.

No.F.3(27)-42/W. 2074 W.

A copy of the undermentioned papers is forwarded to the

Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore,

for information.

By order, etc.,

for SECRETARY TO THE RESIDENT

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(1) The Government of India (Civil Defence Department) circular No.170/42, dated the 15/16th April 1942.

(2) The Government of India (Civil Defence Department) circular No.436/42, dated the 11th December 1942.

VN

CHIEF S. WOR 6

No. 53/42-A.R.P.(CD).,
Government of India,
Civil Defence Department,
New Delhi, the 15/16th April 42.

From

C.J.W. Lillie, Esquire, I.C.S.,
Deputy Secretary to the Government of India.

To

All Provincial Governments (except Bombay)
and Chief Commissioners.

CIVIL DEFENCE DEPARTMENT CIRCULAR NO. 170/42.

Subject:- Air Raid Precaution Services Ordinance 1941.
Question of Powers of arrest by A.R.P. Officials.

Sir,

A question has arisen whether a Provincial Government should by general or special order confer on members of an A.R.P. Service the power to arrest without warrant persons.

(a) committing or reasonably suspected of being about to commit any offence against persons or property during an Air Raid or any exercises ordered by the Controller.

(b) who voluntarily obstruct or offer resistance to or impede or otherwise interfere with any such member or any Police Officer or Civic Guard during an air raid or during any exercises ordered by the Controller.

2. The Government of India are opposed on principle to the above measures unless they are absolutely necessary and consider that if any powers of arrest are to be conferred they should be used only at the time of an actual air raid and not during exercises. Before coming

coming to a decision the Government of India would be glad to have the Provincial Government's (Your) views in the matter.

. . .

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- C.J.W.Lillie.

Deputy Secretary to the Government of India.

map

No. 53/42-A.R.P.(CD).
Government of India.
Civil Defence Department.
New Delhi, the 11th December 1942.

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From

N.V.H. Symons, Esquire, C.I.E., M.C., I.C.S.,
Joint Secretary to the Government of India.

To

All Provincial Governments
Chief Commissioners.

CIVIL DEFENCE DEPARTMENT CIRCULAR NO. 436.

Subject:- A.R.P. Services Ordinance 1941 - Questions of powers of arrest by A.R.P. Officials.

Sir,

I am directed to say that the replies to this Department letter No.53/42-A.R.P./C.D. dated the 15/16th April 1942 indicate that the general view is that it is not necessary to confer on the members of an A.R.P. service as such powers of arrest without warran

2. The Government of India after careful consideration agree with this view and would point out that by virtue of the provisions of Section 59 Criminal Procedure Code all members of A.R. P. Services may arrest any person whom in their view, commits a non-bailable and cognizable offence. These powers of arrest cover (among many others which it is not necessary to specify in considering the problems which may confront them) the following offences:-

Theft; Robbery; House breaking; Looting; Receiving stolen property; arson; Grievous hurt; Murder or Attempts to murder; Kidnapping and Rape.

This

This list would cover most of the situations with which members of A.R.P. Services might be faced in which it would be desirable that they should have powers of arrest should they see fit, and be able, to use them.

3. In addition to this, it is open to Provincial Governments to confer on members of A.R.P. Services powers to secure the enforcement of Defence of India Rules in cases where the Provincial Government have authority to confer such powers - e.g. the use of force to give effect to lighting restrictions under Defence of India Rule 52(3). Also, they can be enrolled as special constables under section 17 of the Police Act.

4. At the same time, the Government of India have no doubt that the Provincial Government will bear in mind that the role of Wardens in particular, in India as in England, is to be friendly advisers and helpers of the public and that as far as possible it is desirable to avoid conferring special powers on them which involve the use of force.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. x x x x x

Joint Secretary to the Government of India.